

## Chapter 74

### **SUBDIVISION REGULATIONS\***

#### **Article I. In General**

Sec. 74.100. Interpretation.

Sec. 74.101. Definitions.

Sec. 74.102. Violations and penalties.

#### **Article II. Administration and Enforcement**

Sec. 74.103. Organization.

Sec. 74.104. Enforcement.

Sec. 74.105. Variations and exceptions.

Sec. 74.106. Appeals.

Sec. 74.107. Amendments.

Sec. 74.108. Fees.

#### **Article III. Plats**

Sec. 74.109. Procedure for approval.

Sec. 74.110. Preliminary plats.

Sec. 74.111. Final plats.

#### **Article IV. Required Improvements**

Sec. 74.112. Generally.

Sec. 74.113. Water facilities.

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\* **Cross References**--Buildings and building regulations, ch. 14; mobile homes, ch. 46; planning commission, ch. 62; streets, sidewalks and other public places, ch. 70; utilities, ch. 86; vegetation, ch. 90; zoning, ch. 94.

**State Law References**--Platting generally, Wis. Stats. § 236.01 et seq.

Sec. 74.114. Sewer facilities.

Sec. 74.115. Street grading.

Sec. 74.116. Street and sidewalk surfacing.

Sec. 74.117. Monuments.

Sec. 74.118. Streetlighting.

Sec. 74.119. Street name signs.

#### **Article V. General Additional Requirements**

Sec. 74.120. Preservation of natural features.

Sec. 74.121. Unsuitable land.

Sec. 74.122. Dedication of land for public use.

Sec. 74.123. Reservation of public spaces and sites.

Sec. 74.124. Vacation of a plat of subdivision.

Sec. 74.125. Vacation of dedicated areas.

#### **Article VI. Design Standards**

Sec. 74.126. Conformance to applicable rules and regulations.

Sec. 74.127. Streets and alleys.

Sec. 74.128. Easements.

Sec. 74.129. Blocks.

Sec. 74.130. Lots.

#### **Article VII. Divisions Other Than Subdivisions**

Sec. 74.131. Procedure for approval and appeals.

Sec. 74.132. Requirements.

Sec. 74.133. Certified survey map review checklist.

Sec. 74.134. Subdivisions created by successive divisions.

Sec. 74.135. Land abutting a private way.

Sec. 74.136. Replats.

## **ARTICLE I. IN GENERAL**

### **Sec. 74.100. Purpose and Interpretation.**

(a) No person, firm or corporation shall divide any land located within the corporate limits of the Village of Weston or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision as defined herein without complying with the provisions of Chapter 236, Wis. Stats. and the requirements of this ordinance. This ordinance shall apply to Condominiums created under Wis. Stats. Chapter 703, the Condominium Ownership Act, where an actual subdivision results.

(b) It is the purpose of these regulations to regulate the subdivision of land so as to coordinate streets/roads with other subdivisions and uses, to provide water and sanitation facilities, drainage and flood control, to foster efficient and orderly urban growth compatible with the natural environment, to minimize cut and fill operations, to prevent premature land subdivision and to conform with the comprehensive plan for the Village and its area of extraterritorial platting jurisdiction.

(c) In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(d) Where the conditions imposed by any provisions of this article upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this article or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and that impose higher standards or requirements shall govern.

(e) This article is not intended to abrogate any easement, covenant or any other private agreement; but where the regulations of this article are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this article shall govern.

(Code 1982, § 16.02(1), Ord. of 11-18-2010)

### **Sec. 74.101. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

*Arterial, major*, means a major, high-capacity street or road designed to carry large volumes of traffic.

*Block* means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of the village.

*Building* means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

*Building setback line* means a line within a lot or other parcel of land so designated on the preliminary plat, between which line and the adjacent boundary of the street upon which the lot abuts the erection of a building is prohibited, as prescribed by chapter 94.

*Comprehensive Plan.* A comprehensive plan, also called a master plan, prepared by the Village indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof. Devices for the implementation of these plans, such as zoning, official map, land division and capital improvements programs shall also be considered a part of the comprehensive plan.

*Condominium.* A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building type or style.

*Covenants* means contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats. Which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

*Crosswalk* means a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary, and from which motor-propelled vehicles are excluded.

*Cul-de-sac* means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Director of Public Works* means that village officer or employee authorized by the board and qualified to examine subdivision plats, make design and engineering determinations and inspect subdivision sites.

*Division of Land.* Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, a subdivision plat or a certified survey map.

*Easement* means a grant by a property owner for the use of land for a specific purpose.

*Extraterritorial plat approval jurisdiction* means the unincorporated area within one and one-half (1-1/2) miles of a fourth class city or a village and within three (3) miles of all other cities.

*Final plat* means the final map, drawing or chart which the subdivider's plan of subdivision is presented for approval and which if approved will be submitted to the Marathon County Register of Deeds for recording.

*Flood frequency* means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

*Floodfringe* means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

*Flood insurance rate map (FIRM)* means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

*Floodplain* means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

*Flood protection elevation,* means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

*Floodway* means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

*Freeboard* means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood

heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

*Frontage* is the length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right-of-way.

*Grade* means the slope of a road, street or other public way, specified in percent.

*Improvement, public*, means any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the village may ultimately assume the responsibility for maintenance and operation.

*Large-scale development* means a proposed complete new, large neighborhood unit, which due to its magnitude and comprehensiveness, warrants special consideration by the planning commission.

*Limited-access expressway or highway* means a trafficway, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the trafficway, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

*Lot* means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

*Lot, corner*, means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

*Lot, through*, means a lot that has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

*Lot Lines*, means the peripheral boundaries of a lot as defined herein.

*Lot Width*, means the width of a parcel of land measured along the front line.

*Municipality* means an incorporated village or city.

*Owner* is any person having legal title to the land sought to be subdivided under this article and includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

*Planning commission* means the village zoning committee or any agency created by the board and authorized by statute to plan land use or review plats.

*Plat*, means the map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.

*Preliminary plat* means a map showing the salient features of a proposed subdivision, submitted to the planning commission for purposes of preliminary consideration as to compliance with the Village comprehensive plan, zoning code and these regulations along with required supporting data.

*Public Way*, means any public road, street, highway, walkway, drainageway or part thereof.

*Regional Flood* means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

*Replat*, means the process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block lot or outlot is not a replat.

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way established after the effective date of the ordinance from which this section is derived and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

*Roadway* means the paved portion of the street available for vehicular traffic.

*Service drive* is a public street, generally paralleling and contiguous to a main-traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

*Sewage disposal system, individual*, is a septic tank seepage tile sewage disposal system or any other sewage treatment device approved by the building inspector



(engineer or planning commission) as being in accordance with the rules of the board of health and servicing only one lot.

*Shorelands* means all land, water and air located within the following distances from the normal high water elevation of navigable waters as defined in Wis. Stats. § 281.31: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

*Sidewalk* means that portion of a street or cross-walkway, paved or otherwise surfaced, intended for pedestrian use only.

*Street* means a public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

*Street, collector*, means a street that carries traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

*Street, half*, is a street bordering one or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width.

*Street, marginal-access*, means a minor street that parallels and is adjacent to a major street or highway, and that provides access to abutting properties and protection from through traffic.

*Street, minor*, means a street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

*Subdivider* means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (certified survey map) or replat.

*Subdivision* means a division of a lot, parcel or tract of land for the purpose of sale or of building development, where:

- (1) The act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area; or
- (2) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of five years, whether done by the original owner or a successor owner.

*Subdivision design standards* means the basic land planning standards established as guides for the preparation of preliminary plats.

*Surety bond*, means a bond guaranteeing performance of a contract of obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

*Thoroughfare* means a street with a high degree of continuity, including collectors, major arterials, and limited-access highways.

*Water supply, individual*, means a well and appurtenances supplying only one lot, and subject to the approval of the building inspector (director of public works or planning commission).

*Wetlands*, means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)

*Wisconsin Administrative Code* means the rules of administrative agencies having authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

*Zoning ordinance*, means Chapter 94 of the Village of Weston Code of Ordinances.

(Code 1982, § 16.01(2), Ord. of 11-18-2010)

**Cross References**--Definitions generally, § 1.101.

#### **Sec. 74.102. Violations and penalties.**

Any person who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this article shall, upon conviction, forfeit not less than \$100.00 nor more than \$1000.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until the forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day, after one week from the date of conviction, that a violation continues to exist shall constitute a separate offense. In addition, the remedies provided by Wis. Stats. §§ 236.30, 236.31, 236.32 and 236.335 shall be available to the village.

(Code 1982, § 16.03(6), Ord. of 11-18-2010)

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT\***

### **Sec. 74.103. Organization.**

The following offices of the government of the village are concerned with the administration of this article:

- (1) *Board*. The board is vested with the following responsibilities in regard to subdivision control:
  - a. Approval or disapproval of all final plats referred to it by the planning commission.
  - b. Approval or disapproval of all variations and exceptions recommended by the planning commission.
  - c. Amend the regulations of this article when found necessary and desirable.
  - d. Institute appropriate proceedings to enforce the provisions of this article.
- (2) *Planning commission*. The planning commission shall administer the provisions of this article and in addition thereto, and in furtherance of that authority, shall:
  - a. Maintain permanent and current records of this article, including amendments.
  - b. Receive and file all preliminary plats and final plats, together with applications.
  - c. Forward copies of the preliminary plat to other appropriate offices and agencies for their recommendations and report.
  - d. Receive and file all final plats and check their compliance with the preliminary plat.
  - e. Forward with recommendations to the board all final plats.
  - f. Make all other determinations required by the regulations in this article.
- (3) *Director of Public Works*. The Director of Public Works is vested with the duty and responsibility of reviewing all preliminary subdivision plats and making determinations in the areas of design standards and engineering

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\* **Cross References**--Administration, ch. 2.

specifications, as stipulated in this article. The Director of Public Works shall review the water supply and sewage disposal facilities to be provided on all preliminary plats. His determinations and recommendations shall be forwarded to the planning commission.

(Code 1982, § 16.03(1), Ord. of 11-18-2010)

#### **Sec. 74.104. Enforcement.**

(a) No owner or his agent of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of such subdivision has been approved by the board, in accordance with the provisions of this article, and filed with the county register of deeds.

(b) The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading this article, for the purpose of sale, transfer or lease shall be subject to all of the requirements of this article.

(c) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the regulations of this article.

(d) No plat of subdivision shall be approved that does not comply with all the provisions of this article.

(Code 1982, § 16.03(2), Ord. of 11-18-2010)

#### **Sec. 74.105. Variations and exceptions.**

(a) *Hardships.* Where the planning commission finds that extraordinary hardships or particular difficulties may result from strict compliance with this article, it may recommend variations or exceptions to this article so that substantial justice may be done and the public interest secured, provided that such variations or exception shall not have the effect of nullifying the intent and purpose of this article; and further provided the planning commission shall not recommend variations or exceptions to the regulations of this article unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- (4) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

(b) *Large-scale developments.* The standards and requirements of this article may be modified in the case of large-scale developments when the planning commission finds that a plan and program for a new neighborhood unit provides adequate public spaces and improvements for the circulation, recreation, light, air and public utilities service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.

(c) *Conditions.* In recommending variations and exceptions, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this article.

(d) *Recommendations.* Such variations and exceptions as may be recommended by the planning commission shall be forwarded to the board in writing, substantiating the recommended variations and/or exceptions. The board may approve such variations or exceptions from the requirements of this article in specific cases as listed on the final plat, which, in its opinion, do not adversely affect any land use or transportation plans or the intent and purpose of this article.

(Code 1982, § 16.03(3), Ord. of 11-18-2010)

#### **Sec. 74.106. Appeals.**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, within 30 days of notification of such objection or rejection of the plat, by presenting to a court of record a petition for a writ of certiorari directed to the approving authority or objecting agency as provided in Wis. Stats. § 62.23(7)(e)10--15. The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable or discriminatory.

(Code 1982, § 16.03(4), Ord. of 11-18-2010)

#### **Sec. 74.107. Amendments.**

For the purpose of promoting the public health, safety and general welfare, the board may amend the regulations imposed by this article pursuant to Wis. Stats. §236.45(4).

(Code 1982, § 16.03(5), Ord. of 11-18-2010)

#### **Sec. 74.108. Fees.**

All public improvements to be made under the provisions of this article shall be examined on the plat and inspected in the field by the director of public works or other designated official, or a duly authorized representative. As prescribed in section 74.112, the cost of such engineering and inspection services shall be determined on the basis of actual time devoted to the project at current wage scales and shall be charged to the subdivider.

(Code 1982, § 16.03(7), Ord. of 11-18-2010)

### **ARTICLE III. PLATS**

#### **Sec. 74.109. Procedure for approval.**

(a) *Preliminary consultation.* At least 30 days prior to the submission of the preliminary plat, the subdivider shall make known his intentions to the Director of Public Works and the planning commission. During this pre-application stage, the subdivider shall consult the Director of Public Works to determine any special problems or conditions affecting his property and shall supply the Director of Public Works with a written letter of intent and a sketch plan of the proposed subdivision. The Director of Public Works, shall forward copies of the letter of intent and sketch plan to the planning commission.

(b) *Filing of preliminary plat.* The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance with the requirements of section 74.110 and shall file with the planning commission an application in writing for the tentative approval of the plat, accompanied by an electronic copy of the proposed plat be provided in pdf format at a scale of not more than 100 feet to the inch and at least one copy of the plat no more than 11 by 17 inches in size, at least four weeks prior to the meeting of the planning commission at which action is desired. The subdivider, or the subdivider's agent, shall indicate in his application that the planning commission is to be deemed the approving authority as defined in Wis. Stats. § 236.12(2); and sufficient copies of the plat shall be furnished for transmittal to the Wisconsin Department of Administration, who shall forward two copies to each of the agencies authorized by Wis. Stats. §236.12(2).

(c) *Review and recommendations.* The preliminary plat shall be reviewed by the planning commission to determine its conformity to this chapter and all other ordinances and regulations in force which affect the subdivision or platting of land. Copies of the preliminary plat shall be transmitted to the Director of Public Works for recommendations concerning matters within the Director's jurisdiction. The Director's recommendations in respect thereto shall be transmitted to the planning commission not later than 30 days from the date the plat is filed.

(d) *Disposition of preliminary plat.* The planning commission shall, within 60 days of the receipt of an application for the approval of a preliminary plat, tentatively approve or disapprove the plat, or approve it with modifications, noting on the plat any changes that will be required. One copy shall be returned to the subdivider with the date of the tentative approval or disapproval, and the reasons for disapproval, endorsed on the plat.

(Code 1982, § 16.04(1), (3)--(5), Ord. of 11-18-2010)

#### **Sec. 74.110. Preliminary subdivision or condominium plats.**

(a) Every proposed subdivision or condominium plat shall be submitted to the planning commission for tentative or conditional approval in the form of a preliminary plat prior to the submission of a final plat. The preliminary plat is not intended to be a final plat and must be prepared in such form as not to be confused with a final plat. Its purpose is to show graphically all facts needed to enable the planning commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be prepared by a qualified surveyor, trained and experienced in the layout of subdivisions.

(b) The following graphic and descriptive items are normally required to be shown on the preliminary plat and the accompanying application for approval. The lack of information under any item specified in this section, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

(1) *Application for approval.* Written application by the owner, or agent, for approval, on forms furnished by the planning commission, shall accompany each preliminary plat and contain the following information:

a. *Name for file identification.*

1. Name of subdivision if property is within an existing subdivision.
2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in the county.

3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

b. *Location and description of property.* Location of property by government lot, section, township, range and county.

c. *Basic facts and proposals pertaining to the property.*

1. Size of tract in acres or of existing lots, if any, in square feet.

2. Existing zoning classification of property and any rezoning proposed to be requested.

3. Number of lots proposed in subdivision.

4. Area of lots proposed; minimum, average and maximum.

5. Proposed sanitary facilities:

Water\_\_\_\_\_

Sewage Disposal\_\_\_\_\_

6. Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use.

d. *Information as to ownership, preparation and submission of plat.*

1. Name and address, including telephone number, of the legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.

2. Citation of any existing legal rights-of-way or easements affecting the property.

3. Existing covenants on the property, if any.

4. Name and address, including telephone number, fax number and email address, if applicable, of the technician responsible for subdivision design and the surveyor responsible for surveys shown on the preliminary plat as submitted.

(2) *The drawing.* The preliminary plat shall be drawn at a scale of not more than 100 feet to the inch, and shall show correctly on its face the following information:



- a. Date, scale bar and north point.
- b. The proposed subdivision name (must be same as that specified in the application).
- c. The name and address of the owner, the subdivider and the surveyor preparing the plat.
- d. Location of the subdivision by government lot, quarter section, section, township, range and county.
- e. A vicinity sketch or small-scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated on the sketch or drawing.
- f. The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot.
- g. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- h. Zoning on and adjacent to the subdivision.
- i. Location, width and names of all existing and platted streets, alleys and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the planning commission.
- j. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the village datum plane.
- k. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of such waterway.
- l. Layout, width and grades of all new streets and rights-of-way, including alleys, highways, easements for sewers and water mains, and other public utilities.
- m. Existing sewers, water mains, culverts and other underground structures within the tract.
- n. Approximate dimensions and areas of lots.

- o. Proposed building setback lines.
- p. Approximate radii of all curves and length of tangents and central angles on all streets.
- q. Approximate location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with the conditions, if any, of such dedication or reservation.
- r. Contours at vertical intervals of not more than five feet or at more frequent intervals if required by the planning commission for land of unusual topography.
- s. Street profile plans for all existing and proposed streets, containing information specified by the planning commission.

(Code 1982, § 16.07, Ord. of 11-18-2010)

**Sec. 74.111. Final subdivision or condominium plats.**

(a) *Final plat may constitute a portion of the approved preliminary plat.* A final plat may constitute only a portion of the approved preliminary plat provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and convenience of the proposed residents and for adequate access to contiguous areas.

(b) *Application for approval.* Written application by the owner or agent for approval, on forms furnished by the planning commission, shall accompany each final plat and shall contain but not be limited to the following information:

- (1) Name of subdivision (which is subject to approval by the board and should be cleared with the planning commission prior to submission of the plat) and description of blocks and lots included on the plat.
- (2) Location of subdivision by government lot, section, township, range and county.
- (3) Name, date of approval, and file number of the preliminary plat upon which the final plat is based.
- (4) Zoning classification of the property.
- (5) Total number of lots and/or parcels included on the plat.

- (6) Total area shown on the plat, including streets, and total area dedicated to public use, if any.
- (7) Existing or proposed covenants, if any.
- (8) Name and address, including telephone number, fax number and email address, if applicable, of the owner or agent and the surveyor who prepared the plat.

(c) *The drawing.* The final plat shall be drawn with waterproof nonfading black ink, at a scale of not more than 100 feet to the inch, on muslin-backed white paper, 22 inches wide by 30 inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the relation of that sheet to the other sheets; and each sheet shall bear the name of the subdivision. Each plat shall show correctly on its face the following information:

- (1) Map and engineering information.
  - a. Date, scale bar and north point.
  - b. The exterior boundaries of the land surveyed and divided.
  - c. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation or by legend, except lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of the monuments.
  - d. The exact length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines; except that when the lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines on one tier. Easements shall be shown by centerline and width.
  - e. Blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.
  - f. All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.

- g. The exact width of all easements, streets and alleys.
  - h. All lake or stream shore meander lines established by the surveyor in accordance with section 74.117, their distances and bearings, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
  - i. The centerline of all streets.
  - j. The number of degrees and minutes in all exterior boundary and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle shown shall be that between the main chords.
  - k. When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted lines in their proper places; and either on them, or in an adjoining table, shall be noted their bearings and lengths, the radius of the circle of which the curve is a part, the central angle subtended and the tangent bearing at either the point of curve or point of tangency. The lot lines may be shown in the same manner or by bearings and distances. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines; it shall be sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.
  - l. When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the planning commission, upon the recommendation of the director of public works, may waive such compliance.
- (2) *Name, location and position.* The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating to the position and location of the subdivision shall be shown:
- a. The location of the subdivision by government lot, recorded private claim, quarter section, section, township, range and county noted immediately under the name given the subdivision.
  - b. The exact location of the subdivision indicated by distances and bearings with reference to a corner or corners established in the U.S. Public Land Survey.

- c. A small drawing of the section or governmental subdivision of the section in which the subdivision lies, with the location of the subdivision indicated on the drawing. This drawing shall be oriented on the sheet in the same direction as the main drawing.
- d. Where provisions are made for access from any lake or stream, the plat shall show the area over which access is provided to the lake or stream, together with a small-scale drawing clearly indicating the location of the subdivision in relation to the lake or stream and the location of the area over which access is provided.
- e. The names of adjoining streets, state highways and subdivisions shown in their proper location and underscored by a dotted line.
- f. Abutting street and state highway lines of adjoining plats shown in their proper location by dotted lines. The width of these streets and highways shall be given also.

(3) Roads and public spaces.

- a. The name of each road or street in the plat shall be printed in prominent letters.
- b. All lands dedicated to public use except roads and streets shall be clearly marked "Dedicated to the Public, and the public purpose for the dedication shall also be specified.
- c. All roads or streets shown on the plat not dedicated to public use shall be clearly marked "Private Road" or "Private Street" or "Private Way."
- d. All easements shall be shown and the purpose of the easement clearly stated on the plat.

(4) *Site conditions and topography.* The following shall be shown:

- a. All existing buildings.
- b. All watercourses, drainage ditches and other existing features pertinent to proper subdivision.
- c. The water elevations of adjoining lakes, rivers or streams at the date of the survey and the approximate high and low water elevations of such lakes, rivers and streams. All elevations shall be referred to the village datum plane.

(d) *Required certificates.* To entitle a final plat to be recorded, the following certificates, lettered or printed legibly with black durable ink or typed legibly with black ribbon, shall appear on it:

(1) *Surveyor's certificate.* The certificate of the surveyor who surveyed, divided and mapped the land shall accompany the plat, supplying the following information, which shall have the same force and effect as an affidavit:

a. By whose direction he made the survey, subdivision and plat of the land described on the plat.

b. A clear and concise description of the land surveyed, divided and mapped by government lot, recorded private claim, quarter section, section, township, range and county; and by metes and bounds commencing with some corner marked and established by the U.S. Public Land Survey; or if such land is located in a recorded subdivision or recorded addition, by the number or other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U.S. Public Land Survey.

c. A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

d. A statement that he has fully complied with the provisions of this chapter and Wis. Stats. ch. 236 in surveying, dividing and mapping the land.

(2) *Owner's certificate.*

a. A certificate by the owner of the subdivided land shall accompany the plat and shall take, substantially, the following form: "As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I also certify that this plat is required by Wis. Stats. § 236.10 or 236.12 to be submitted to the following for approval or objection: (list of governing bodies required to approve or allowed to object to the plat)." This certificate shall be signed by the owner, the owner's spouse, and all persons holding an interest in the fee of record or by being in possession, and, if the land is mortgaged, by the mortgagee of record.

b. In addition to the certificate required in subsection (d)(2)a. of this section, the owner may be required to furnish an abstract of title certified to date of submission for approval or, at the option of the owner, a policy of title insurance or certificate of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.

(3) *Tax certificate.* Also accompanying the plat, there shall be a certificate of the village clerk/treasurer and a certificate of the treasurer of the county stating

that there are no unpaid taxes or unpaid special assessments on any of the lands included in the plat.

(e) *Filing of final plat.* After the subdivider has entered into a contract, guaranteed by a bond, by which the subdivider agrees to provide utilities and improvements required in this article, or after completion of such utilities and improvements to the satisfaction of the Director of Public Works and planning commission, the subdivider shall file with the village clerk/treasurer, within twelve months after the date of last approval or conditional approval and within thirty-six (36) months of the preliminary plat, the final plat and one copy of the plat no larger than 11 by 17 inches and one digital pdf copy of said plat, which shall conform to the requirements of this section and Wis. Stats. ch. 236. One copy shall also be submitted on reproducible mylar for gaining signatures and recording purposes. The village clerk/treasurer shall forthwith transmit a copy of the final plat to the planning commission. The Subdivider or the subdivider's agent shall submit the final plat to the Wisconsin Department of Administration as required by Wis. Stats. ch. 236.12(6). The developer shall also submit copies of all inspection forms performed by the Director of Public Works.

(f) *Action by the board.*

- (1) Upon receipt of a final plat, the planning commission shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat and the requirements established in this article and shall recommend either approval or disapproval of the final plat.
- (2) If the final plat is not submitted within thirty-six (36) months after the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat.
- (3) The planning commission shall approve or reject the final plat and forward it to the board within sixty (60) days of submission to the planning commission unless the subdivider is notified of the objections to the plat or the time is extended by agreement with the subdivider.
- (4) After the final plat shall have been approved by the board, the village clerk/treasurer shall cause a certified copy of the resolution approving such plat to be attached to the plat and returned to the subdivider. Copies of the resolution and plat shall also be transmitted to the planning commission and the Director of Public Works for their files.

(g) *Recordation.* After the final subdivision or condominium declaration has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk shall cause the certificate inscribed upon the subdivision plat or condominium declaration returned to the subdivider for recording with the Marathon County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within twelve (12) months after the

date of the last approval of the plat and within thirty-six (36) months after the first approval per Wis. Stats. §236.25(2)(b)

(h) *Copies.* Per Wis. Stats §236.27, the subdivider or subdivider's agent shall file one true copy of the recorded plat, containing Register of Deeds signature and documentation (volume/page, etc.) to the Village Clerk as a public record within thirty (30) days from the recording date at the Marathon County Register of Deeds.

(Code 1982, §§ 16.04(1)--(4), (7), (8), 16.08, Ord. of 11-18-2010)

#### **ARTICLE IV. REQUIRED IMPROVEMENTS\***

##### **Sec. 74.112. Generally.**

(a) The subdivider shall install street and utility improvements and other improvements indicated on the plat as provided in this article. If such improvements are not installed as required at the time the final plat is submitted for approval, the subdivider shall, before the recording of his plat, enter into a contract with the village agreeing to install the required improvements. The subdivider shall file with the contract a bond meeting the approval of legal counsel or a certified check in an amount equal to the estimate of cost prepared by the director of public works. Such bond or check shall constitute a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat, or not later than 120 days after storm sewer, sanitary sewer and water utility installations have been completed if the subdivider or contractor elects to have such improvements installed by the village or any municipality involved. It shall constitute a further guarantee that all obligations to subcontractors for work on the development are satisfied. Upon completion of the required improvements guaranteed by the bond or certified check, and to ensure that such improvements have been installed in accordance with the approved final plat, a detailed as-built survey plat of the subdivision, indicating location, dimensions, construction materials, and other information required by the planning commission, shall be submitted to the planning commission by the developer.

(b) The contractor and/or subcontractors who are to be engaged in the construction of improvements on dedicated street rights-of-way shall be designated as qualified for such work by the director of public works.

(c) Governmental units to which these bond and contract provisions apply may file in lieu of a contract or bond, a letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this article.

(Code 1982, § 16.04(6), Ord. of 11-18-2010)

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\* **Cross References**--Streets, sidewalks and other public places, ch. 70; conveyance to village before construction of roadway or highway, § 70.106(b); utilities, ch. 86.



**Sec. 74.113. Water facilities.**

The subdivider shall install adequate water facilities subject to the specifications and inspection of the director of public works and the village water utility, the cost of engineering and inspection to be borne by the developer in accordance with the requirements of the state public service commission and the department of natural resources. If private wells are necessitated, approval may be granted on the basis of favorable soil tests and general well locations.

(Code 1982, § 16.04(6)(a), Ord. of 11-18-2010)

**Sec. 74.114. Sewer facilities.**

The subdivider shall install adequate storm and sanitary sewer facilities, subject to the specifications and inspection of the Director of Public Works and the sanitary district, the cost of engineering and inspection to be borne by the developer in accordance with the requirements of the department of natural resources. If public sewer facilities are not available, lot sizes shall be such that effective individual sewage disposal systems can be provided, as determined on the basis of recommendations of the county zoning department. If private sewage disposal systems are necessitated, approval may be granted on the basis of favorable percolation tests and general system locations.

(Code 1982, § 16.04(6)(b), Ord. of 11-18-2010)

**Sec. 74.115. Street grading.**

The subdivider shall furnish drawings that indicate the existing and proposed grades of streets shown on the plat and after completion of engineering work on the streets and approval of street grades by the Director of Public Works and planning commission, shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways in the street rights-of-way shall be graded to subgrade. The cost of engineering and inspection shall be borne by the developer. The Director of Public Works shall approve the construction prior to the time the planning commission recommends approval of the final plat.

(Code 1982, § 16.04(6)(c), Ord. of 11-18-2010)

**Sec. 74.116. Street and sidewalk surfacing.**

After approved sewer and water utilities have been installed by the developer, the subdivider shall construct curbs and gutters if required, and storm sewer inlets and leads as directed by the Director of Public Works and planning commission, and shall surface or cause to be surfaced at the developer's expense roadways to the widths prescribed in section 74.126, or as prescribed by the planning commission. The surfacing shall consist

of not less than twelve inches of crushed gravel. Sand lift or other sub-grade stabilization measures may also be required as determined by the Director of Public Works. Streets shall be surfaced with bituminous concrete or portland cement concrete, or a comparable all-weather surfacing meeting standards prescribed by the Director of Public Works and planning commission. Dedicated walkways shall be improved by the subdivider with a standard sidewalk to a grade established by the Director of Public Works. All such work shall be done in accordance with plans prepared by the developer's engineer. The work shall be inspected by the Director of Public Works with engineering and inspection costs to be borne by the developer.

(Code 1982, § 16.04(6)(d), Ord. of 11-18-2010)

#### **Sec. 74.117. Monuments.**

The subdivider shall place permanent reference monuments in the subdivision as required in this article and as prescribed in Wis. Stats. ch. 236.

- (1) The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than 30 inches in length, not less than four inches square, or five inches in diameter, and marked on top with a cross, brass plug, iron rod or other durable material securely embedded; or by iron rods or pipes at least 30 inches long and two inches in diameter weighing not less than 3.65 pounds per lineal foot. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, these points to be not less than 20 feet back from the bank of any river or stream, except that when such corners or points fall within a street or proposed future street, the monuments shall be placed in the side line of the street.
- (2) All internal boundaries and those corners and points not required to be marked by subsection (1) of this section shall be monumented in the field by like monuments as described. These monuments shall be placed at all block corners, at each end of all curves, at a point where a curve changes its radius, and at all angle points in any line.
- (3) All lot corners shall be monumented in the field by iron pipes at least 24 inches long and one inch in diameter, weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 24 inches long and weighing not less than 1.13 pounds per lineal foot.
- (4) The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least 30 inches long and one inch in diameter weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 30 inches long and weighing not less than 1.13 pounds per lineal foot.

These monuments shall be placed at the point of intersection of the river or stream lot line with a meander line established not less than 20 feet back from the bank of the river or stream.

(5) All such monuments shall be set flush with the ground and planted in such manner that they will not be removed by frost.

(6) All monuments shall be properly set in the ground and approved by the Director of Public Works prior to the time the planning commission recommends approval of the final plat.

(Code 1982, § 16.04(6)(e), Ord. of 11-18-2010)

#### **Sec. 74.118. Streetlighting.**

Streetlighting shall be installed to illuminate all principal improved highways and roads when deemed necessary by the Director of Public Works and planning commission to facilitate public travel, in accordance with design and specification standards approved by the Director of Public Works.

(Code 1982, § 16.04(6)(f), Ord. of 11-18-2010)

#### **Sec. 74.119. Street name signs.**

Street name signs shall be erected at each street intersection in accordance with the established policies of the village and in accordance with design and specification standards approved by the Director of Public Works. Proposed streets obviously in line with or a continuation of existing streets already named shall bear the name of such existing streets. Duplication of existing street names, irrespective of the use of suffix, street, road, boulevard, drive, place, or court, shall not be permitted. No street names shall be used that have not been approved by the Director of Public Works and/or the planning commission.

(Code 1982, § 16.04(6)(g), Ord. of 11-18-2010)

### **ARTICLE V. GENERAL ADDITIONAL REQUIREMENTS**

#### **Sec. 74.120. Preservation of natural features.**

In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar features. The subdivider shall make every effort to protect and retain all trees, shrubbery, vines, and grasses not

actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails.

(Code 1982, § 16.05(1), Ord. of 11-18-2010)

**Sec. 74.121. Unsuitable land.**

No land shall be subdivided for residential, commercial or industrial use that is held by the planning commission, after investigation by the director of public works or other designated official, to be unsuitable for such use by reason of flooding or inadequate drainage, adverse soil or rock formation or unfavorable topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.

(Code 1982, § 16.05(2), Ord. of 11-18-2010)

**Sec. 74.122. Dedication of land for public use.**

(a) When a final plat of a subdivision has been approved by the board and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all land shown on the plat as dedicated to the public, including street dedications.

(b) Whenever a preliminary plat includes a proposed dedication of land to public use and the planning commission finds that such land is not required or not suitable for public use, the planning commission may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.

(c) If a certified survey map abuts a public road that is less than 66 feet in width, there shall be made by the subdivider a dedication of land for public use, which will create a half road width of 33 feet or a whole road width of 66 feet if the subdivision encompasses both sides of the roadway.

(Code 1982, § 16.05(3); Ord. of 5-8-1989, § 1; Ord. of 11-18-2010)

**Sec. 74.123. Reservation of public spaces and sites.**

(a) *Preliminary plat to accommodate planned public spaces.* Whenever a tract to be subdivided includes a proposed street, highway or parkway, or proposed site for a park, playground, school or other public use as indicated on any officially adopted, and authorized by statute, map or plan, such space shall be suitably incorporated by the developer into his subdivision plat after proper determination of its necessity by the

planning commission and the appropriate village body or other public agency involved in the acquisition and use of each such site.

(b) *Requirements for adequate open spaces.*

- (1) *Floodplain areas.* The planning commission may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.
- (2) *School, park and playground sites.* Unless appropriate provision for dedication or donation of school, park or playground sites has been made by the board in a previous action, such as in the case of a large-scale development involving multiple land uses, any required school sites or parks or playgrounds shall be acquired by the school district or the appropriate agency.

(c) *Acquisition of land for public use.* The planning commission shall consider all preliminary plats and adopted or proposed studies related to such plats to determine the need for acquisition for public use of any of the land included in the preliminary plat. Land may be acquired for public school sites, parks, playgrounds or other public recreation areas or other public purposes as provided by law.

- (1) *Referral to public body.* The planning commission shall refer the plat to the public body concerned with acquisition for its consideration and report. The planning commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The commission's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
- (2) *Notice to property owner.* Upon receipt of an affirmative report, the planning commission shall notify the property owner and shall designate on the preliminary and final plats that area proposed to be acquired by the public body.
- (3) *Duration of land reservation.* The acquisition of land designated on the preliminary or final plat as reserved for acquisition by a public agency involved shall be instituted within 18 months of notification, in writing, by the owner of the property that he intends to develop the property. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to institute acquisition within the prescribed 18 months shall result in the

removal of the reserved designation from the property involved and the freeing of the property for development.

(d) *Park dedication.*

- (1) *Purpose.* The requirements of this Ordinance are established to insure that adequate parks, open space and sites for other public uses are properly located and preserved as the Village grows. It has also been established to insure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development.
- (2) *Relation of land required for population.* The Village of Weston's Outdoor Recreation Plan states that 1.2 acres of lands should be devoted to park and recreation purposes for each 100 persons residing in the Village.
- (3) *Definitions.* In construing the provisions of this ordinance, the following definitions shall apply:
  - a. "Village" – means the Village of Weston in Marathon County, Wisconsin.
  - b. "Committee" – means the Village of Weston, Parks and Recreation Committee.
  - c. "Park Trust Fund" – means the account established for the Village of Weston, Department of Parks and Recreation.
  - d. "Subdivider" – means any person, group or legal entity using land for residential development. This shall include all residential development whether or not there is an actual subdivision of land property, including land that does not require subdivision but is used for residential development.
- (4) *Design.* In the design of subdivision, land division, planned development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites as are shown in the Village's Outdoor Recreation Plan shall be made a part of the design. Consideration shall be given to locations relative to other sites, to the preservation of scenic and historic locations, as well as stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines, woodlands, prairies, wetlands, plant and animal communities.

(5) *Dedication.* The sub-divider shall dedicate reasonably adequate land for the park, recreation and open space needs of the development in accordance with standards outlined in the Design.

a. *Determination of Land.* The quantity of land to be dedicated is to be based on the number of family units to be established in the subdivision, times the number of persons per unit, divided by 100 persons per 1.2 acres.

1. Single Family at 3.40 persons per unit
2. Duplex at 6.20 persons per unit
3. Multi-family
  - (a) 1 bedroom apartment at 1.90 persons per unit
  - (b) 2 bedroom apartments at 2.80 persons per unit
  - (c) 3 or more bedroom apartments at 3.38 persons per unit

b. *Determination of Fee.* At the option of the Committee and with Village Board concurrence and in lieu of such dedication, because the dedication would be too small to be useable, or if such sites would not otherwise be suitable, the sub-divider shall pay to the Village an amount of cash equal to the fees as set out below:

|                       |                 |
|-----------------------|-----------------|
| Single Family         | \$ 244 per lot  |
| Duplex                | \$ 446 per lot  |
| Multi-Family          |                 |
| a. 1 bedroom          | \$ 138 per unit |
| b. 2 bedroom          | \$ 204 per unit |
| c. 3 or more bedrooms | \$ 244 per unit |

c. *Determination of Land and Fee.* Where land dedication together with a fee is offered, the sum need not exceed the fair market value of the land that would be required pursuant to subsection a. hereinabove.

d. *Sub-divider Dedication Procedure.* To determine whether the sub-divider is to pay a fee and/or offer land in lieu shall be as follows:

1. At the time of filing a preliminary plat map for approval, the sub-divider shall establish his intent to offer land in lieu of the fee. If land is to be offered, it shall be designated on the preliminary plat map and formalized in writing.

2. Within 45 days of receipt of the proposal and acting with the recommendations of the Weston Planning Commission, the Village Board will accept or reject the offer of land and require payment of the fee.
  3. How well the land meets the Design objectives will determine acceptance.
- e. Zone Change. If an owner of any lot existing prior to the date of this Ordinance requests a zone change which, if granted, results in a zone with more families per unit, the owner shall pay the difference between the fee required of the existing zone and the fee required for the new zone, base on the fees as set forth in section b. of this Ordinance.
  - f. Settlement by Land Dedication. If the Village Board accepts land, which is included within the subdivision plat or the area within a certified survey map, such land shall be identified as a grant to the public and the recording of any such plat or map shall be deemed a sufficient conveyance to vest fee simple title of all lands so marked or noted to the Village as set forth in Sections. 236.29 and 236.34, Wis. Stats. If the Board accepts land which is outside the boundary of either a subdivision plat or certified survey map, such land shall be deeded to the Village prior to the recording of the final plat or prior to the recording of the certified survey map or in any other situation prior to the issuance of a building permit.
  - g. Settlement by Fee Payment. If fees are accepted:
    1. They will be paid in a lump sum prior to the recording of a final plat. If the division is by certified survey map or individual lot, the fee shall be paid in a lump sum prior to the recording of the certified survey map or deed or prior to the issuance of a building permit.
  - h. Use of Land and Fees. Revenues received from any person shall be deposited in a special account for Parks and shall be used exclusively for public recreational purposes in the Village. Revenues shall be used exclusively for parkland, parkland improvements, and recreational equipment required by the Committee and as determined by the Village Board. Where deemed appropriate by the committee following approval by the Village Board, parcels of land dedicated under this Ordinance may be traded or sold to facilitate the acquisition of more suitable tracts of parkland.

(Code 1982, § 16.05(4), Ord. of 1-13-2005, Ord. of 11-18-2010)

**Sec. 74.124. Vacation of a plat of subdivision.**



(a) *Application for vacation.* The owner of a subdivision may apply to the circuit court of the county for the vacation or alteration of all or part of the recorded plat of that subdivision.

(b) *Notice of application.* Notice of the application for the vacation or alteration of the plat shall be given at least three weeks before the application by:

- (1) Posting a written notice in at least two of the most public places in the county;
- (2) Publishing a copy of the notice once each week for three weeks in a newspaper of general circulation of the county;
- (3) Service of the notice, in the manner required by service of a summons in the circuit court, on the village; and
- (4) By mailing a copy of the notice to the owners of record of all the lots in the subdivision or the part of the subdivision proposed to be vacated or altered at their last known address.

(c) *Hearing and determination.*

- (1) After requiring proof that the required notices have been given and after hearing all interested parties, the court may, in its discretion, grant an order vacating or altering the plat, except:
  - a. The court shall not vacate any alleys immediately in the rear of lots fronting on county trunk highways without the prior approval of the county board, or on state truck highways without the prior approval of the highway commission.
  - b. The court shall not vacate any parts of the plat that have been dedicated to and accepted by the public for public use, except as provided in section 74.125.
- (2) The vacation or alteration of a plat shall not affect any restrictive covenant applying to any of the platted land, unless otherwise stipulated by judgment of the court.

(Code 1982, § 16.05(5), Ord. of 11-18-2010)

#### **Sec. 74.125. Vacation of dedicated areas.**

(a) Parts of a plat dedicated to and accepted by the public for public use may be vacated or altered by the circuit court of the county if:

- (1) The plat was recorded more than 40 years previous to the filing of the application for vacation or alteration;

- (2) During all that period the areas dedicated for public use were not improved as such;
- (3) In the case of dedicated streets, the areas are not necessary to reach other platted property; and
- (4) All the owners of all the land in the plat sought to be vacated have joined in the application for vacation.

(b) The conditions established in subsection (a) of this section may be waived if the application is for the vacation of a street, alley or public walkway entirely within the boundaries of the village. In such instances, the circuit court may grant the vacation upon the following conditions:

- (1) A resolution is passed by the board requesting such vacation or alteration.
- (2) The owners of all lands fronting on or abutting the portion sought to be vacated or altered request in writing that such action be taken.

(c) The court may also vacate land platted as a public square upon the application of the board if:

- (1) The land was conveyed to the village prior to January 1, 1853; and
- (2) The land was never in fact utilized by the village as a public square.

(d) The court may vacate land in the village, platted as a public playground, upon the application of the board where the land has never been used as a playground and is too small for such use.

(e) The board may, by ordinance adopted by a majority of the members and in conformity with the provisions of Wis. Stats. § 66.296, vacate alleys located in the village; but no alleys immediately in the rear of lands fronting on a state or county trunk highway shall be vacated without the prior approval of the county board of supervisors.

(Code 1982, § 16.05(6), Ord. of 11-18-2010)

## **ARTICLE VI. DESIGN STANDARDS\***

### **Sec. 74.126. Conformance to applicable rules and regulations.**

In addition to the design standards established in this division, all subdivision plats shall comply with the following laws, ordinances, rules and regulations:

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\* **Cross References**--Streets, sidewalks and other public places, ch. 70.

- (1) The provisions of Wis. Stats. ch. 236.
- (2) Chapter 94 and all other applicable ordinances of the appropriate jurisdictions.
- (3) Any officially adopted plans or maps of the village.
- (4) The rules of the county zoning department relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.
- (5) The rules of the highway commission relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained in the subdivision abuts a county or state trunk highway or connecting street.

(Code 1982, § 16.06(1), Ord. of 11-18-2010)

**Sec. 74.127. Streets and alleys.**

(a) *General considerations.* Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

(b) *Arrangement.*

- (1) All streets shall be properly integrated with any existing and proposed system of thoroughfares and dedicated rights-of-way.
- (2) All thoroughfares shall be properly related to special traffic generators, such as industries, business districts, schools, churches and shopping centers, to population densities, and to the patterns of existing and proposed land uses.
- (3) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewerage systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to; however, the use of curvilinear streets, culs-de-sac or U-shaped streets shall be held to a minimum and used only where it will result in a more desirable layout.
- (5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions, or unless in the opinion of the planning commission such extension is not

necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

- (6) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(c) *Access to major streets.* Where a subdivision borders on or contains an existing or proposed major street, the planning commission may require that access to such streets be limited by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with screen planting contained in a nonaccess reservation along the rear property line.
- (2) A series of culs-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street.
- (3) A marginal-access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points.

The number of residential streets entering a major street shall be kept to a minimum.

(d) *Width of streets.* Right-of-way and paving widths of all streets shall be as indicated below:

|     | <i>Type of Street</i>       | <i>Paving (feet)</i> | <i>R.O.W. (feet)</i> |
|-----|-----------------------------|----------------------|----------------------|
| (1) | Residential or minor street | 24--32*              | 66                   |
| (2) | Marginal-access street      | 24--32*              | 66                   |
| (3) | Collector street            | 40*                  | 80                   |
| (4) | Major arterial              | 48                   | 100                  |

\*The planning commission, upon recommendation of the director of public works, shall establish the definite paving widths for each particular subdivision.

(e) *Street grades.* The grade of major streets shall not exceed six percent unless necessitated by exceptional topography and approved by the planning commission. The grade of all other streets shall not exceed ten percent. The minimum grade of all streets shall be five-tenths of one percent. Pedestrian ways or crosswalks shall not exceed 12 percent grade unless steps of an approved design are to be constructed. All grades shall be taken from the finished actual road grade in all plats accepted after July 31, 1965.

(f) *Vertical curves.* All changes in street grade shall be connected by vertical curves of a minimum length in feet equivalent to 15 times the algebraic difference in the percent of grade for major arterials and half this minimum length for all other streets. No vertical curve less than 50 feet in length is required.

(g) *Horizontal curves.* The minimum sight distance with clear visibility measured along the center line shall be provided as follows:

| <i>Type of Street</i> |                   | <i>Minimum Sight Distance (feet)</i> |
|-----------------------|-------------------|--------------------------------------|
| (1)                   | Major arterials   | 500                                  |
| (2)                   | Collector streets | 300                                  |
| (3)                   | Minor streets     | 150                                  |

(h) *Tangents.* A tangent at least 100 feet in length shall be introduced between reverse curves on major arterials and collector streets.

(i) *Culs-de-sac or dead-end streets.*

- (1) The use of culs-de-sac in street layouts shall be limited to portions of developments that, due to unusual shape, size, location or topography, may better be served by culs-de-sac than by continuous streets. A layout making unrestricted use of culs-de-sac or courts will not be acceptable.
- (2) A cul-de-sac shall not be longer than 500 feet, measured on its centerline, unless, by reason of topography or other circumstances beyond the control of the developer, the planning commission, upon the recommendation of the director of public works, finds a greater length to be justifiable.
- (3) The diameter of a cul-de-sac turnaround (measured as the outside right-of-way) shall be not less than 100 feet.

(j) *Half streets.* No plat shall contain half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider.

(k) *Street intersections.*

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 70 degrees shall not be acceptable. Not more than two streets shall intersect at any one point unless specifically approved by the planning commission.
- (2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of

such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous.

- (3) Where the grade of any street at the approach of an intersection exceeds seven percent, a leveling area shall be provided having not greater than four percent grade, a distance of 50 feet measured from the nearest right-of-way line of the intersecting street.
- (4) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

(1) *Alleys.*

- (1) Alleys shall be provided in all business, commercial and industrial districts; except that the planning commission may waive this requirement where other definite and suitable provision is made for service access such as off-street loading and parking, consistent with and adequate for the uses proposed, and in accordance with the provisions of chapter 94.
- (2) The width of alleys shall be not less than 24 feet.
- (3) Dead-end alleys are prohibited except under very unusual circumstances, and crooked and T alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- (4) Alleys shall not be approved in residential areas.

(Code 1982, § 16.06(2), Ord. of 11-18-2010)

**Sec. 74.128. Easements.**

(a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the planning commission, such easements to be at least 20 feet wide and may be wider dependent on the type, depth, and size of the utilities for which the easement is intended.

(b) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width or construction or both as will be adequate for the purpose. Wherever possible, it is

desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(Code 1982, § 16.06(3), Ord. of 11-18-2010)

**Sec. 74.129. Blocks.**

(a) *Residential blocks.*

- (1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.
- (2) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,800 feet nor be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than 1,000 feet in length.
- (3) Pedestrian crosswalks, not less than ten feet wide, may be required by the planning commission through the center of blocks more than 900 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

(b) *Nonresidential blocks.* Blocks designed for business, commercial or industrial uses shall be of such length and width as may be determined suitable by the planning commission for the prospective use.

(Code 1982, § 16.06(4), Ord. of 11-18-2010)

**Sec. 74.130. Lots.**

(a) In general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of chapter 94.

(b) All plats shall indicate building setback lines or yards equivalent to those required in chapter 94.

(c) Residential lots to be served by private or individual sewage disposal facilities shall comply with the rules of the county zoning department.

(d) Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in chapter 94.

(e) Corner lots for residential use shall have extra width to permit full building setback as required in chapter 94.

(f) Every lot shall front on or abut a public street. Lots with access only to private drives or streets shall be permitted only with the approval of the planning commission.

(g) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(h) Lots at right angles to each other shall be avoided wherever possible, especially in residential areas.

(i) If a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the resubdivision of any parcels into smaller lots in accordance with the provisions of this article.

(j) Lot lines shall follow village boundary lines whenever practicable, rather than cross them.

(k) Double-frontage and reversed-frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(Code 1982, § 16.06(5), Ord. of 11-18-2010)

## **ARTICLE VII. DIVISIONS OTHER THAN SUBDIVISIONS**

### **Sec. 74.131. Procedure for approval and appeals.**

(a) When required to create a certified survey map by Wis. Stats. § 236.34, the divider shall file such certified survey map with the department of public works, which shall, within ninety (90) days approve, approve conditionally or reject the map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection.

(b) If a new road or an extension of an existing road is to be dedicated by a certified survey map, such map shall be reviewed by the planning commission at their next regularly scheduled meeting. The planning commission has ninety (90) days from the date of filing to approve, approve conditionally or reject the map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection.

(c) The approval or disapproval of a certified survey map by the public works personnel and/or the planning commission is appealable to the board of appeals. Appeals shall be filed within thirty (30) days of the date of the written decision of the public



works personnel and/or the planning commission on forms available at the municipal center.

(d) *Recordation.* The subdivider or subdivider's agent shall record the certified survey map with the Marathon County Register of Deeds within six (6) months of approval.

(e) *Copies.* The subdivider or subdivider's agent shall file one copy of the recorded certified survey map with the village within 30 days of recording at the Marathon County Register of Deeds.

(Code 1982, § 16.05(7)(a); Ord. of 5-9-1989, § 1, Ord. of 11-18-2010)

#### **Sec. 74.132. Requirements.**

In addition to the requirements set forth in this article, all of the requirements of Wis. Stats. § 236.34 are adopted and by reference made a part of this article as if fully set forth. Any act required to be performed or prohibited by the statute incorporated in this section by reference is required or prohibited by this article.

(Code 1982, § 16.05(7)(b); Ord. of 5-9-1989, § 3, Ord. of 11-18-2010)

#### **Sec. 74.133. Certified survey map review checklist.**

The following certified survey map review checklist shall be utilized by the public works personnel and/or the planning commission in determining whether or not approval should be given to the proposed certified survey map:

- (1) Location of all watercourses, drainageways and surface drainage patterns should be shown.
- (2) All easements of record should be shown.
- (3) Where applicable, the regional floodplain boundary and the vertical contour line, which is two feet above the regional flood elevation, should be shown.
- (4) Wetland boundaries from the department of natural resources wetland inventory maps should be shown.
- (5) All other applicable survey standards shall be maintained by the surveyor.
- (6) Where the certified survey map requires dedication for a public road, the subdivider shall follow the intent of the subdivision roadway and drainage inspection report.

- (7) All public road dedications shall be a minimum 66 feet (four rods) wide.
- (8) Each lot must have access to a public street.
- (9) Location of existing buildings, wells and septic tanks should be shown.
- (10) Lots must comply with minimum frontage and area for their zoning classification.
- (11) If any land area contiguous to any part of a proposed certified survey map includes more than four parcels of land, the map shall be forwarded to the planning commission for its review.

(Code 1982, § 16.05(7)(c); Ord. of 5-9-1989, § 3, Ord. of 11-18-2010)

**Sec. 74.134. Subdivisions created by successive divisions.**

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this article, the board may, in lieu thereof, order an assessor's plat to be made under the provisions of Wis. Stats. § 70.27 and may assess the costs as provided in such section, or to the subdivider. Regardless of the type of plat filed, any such subdivision shall comply with all the provisions of this chapter to the extent that they may reasonably be applied.

(Code 1982, § 16.05(8), Ord. of 11-18-2010)

**Sec. 74.135. Land abutting a private way.**

No person shall sell any parcel of land of one acre or less in size if it abuts a road that has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the village or by the county.

(Code 1982, § 16.05(9), Ord. of 11-18-2010)

**Sec. 74.136. Replats.**

A replat of all or any part of a recorded subdivision may not be made or recorded except after proper court action has been taken to vacate the original plat or the specific part. However, a replat may be made and recorded without taking court action to vacate the original plat when all the parties interested in such replat agree in writing, and the replat is in accordance with all applicable provisions of this chapter and has been approved by the board.

(Code 1982, § 16.05(10), Ord. of 11-18-2010)